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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW MEXICO**

PULTE HOMES OF NEW MEXICO, INC., a  
Michigan corporation; PULTE  
DEVELOPMENT NEW MEXICO, INC., a  
Michigan corporation,

Plaintiff,

v.

CENTRAL MUTUAL INSURANCE  
COMPANY, an Ohio corporation; HDI  
GLOBAL SPECIALTY SE fka  
INTERNATIONAL INSURANCE OF  
HANNOVER, a New York corporation;  
SENTINEL INSURANCE COMPANY, LTD,  
a Connecticut corporation; GEMINI  
INSURANCE COMPANY, a Delaware  
corporation; COLORADO CASUALTY  
COMPANY, a New Hampshire corporation;  
THE CINCINNATI INSURANCE  
COMPANY, an Ohio corporation; THE  
CINCINNATI CASUALTY COMPANY, an  
Ohio corporation; DONEGAL MUTUAL  
INSURANCE COMPANY fka MOUNTAIN  
STATES MUTUAL CASUALTY  
COMPANY, a Pennsylvania corporation;  
FEDERATED MUTUAL INSURANCE  
COMPANY, a Minnesota corporation;  
HARTFORD CASUALTY INSURANCE  
COMPANY, a New Jersey corporation;  
CLARENDON NATIONAL INSURANCE  
COMPANY, as successor in interest by way of  
merger with Sussex Insurance Company fka as

Case No. 1:21-cv-00996-MLG-JMR

**STIPULATION TO DISMISS  
PLAINTIFFS' CLAIMS AGAINST  
DEFENDANTS THE CINCINNATI  
INSURANCE COMPANY AND THE  
CINCINNATI CASUALTY COMPANY  
(ECF No. 242)**

Companion Property and Casualty Insurance Company, a Texas corporation; ACE AMERICAN INSURANCE COMPANY, a Pennsylvania corporation; FIRST MERCURY INSURANCE COMPANY, a Delaware corporation; CENTURY SURETY COMPANY, an Ohio corporation; UNITED SPECIALTY INSURANCE COMPANY, a Delaware corporation; OHIO CASUALTY INSURANCE COMPANY, a New Hampshire corporation; AMERICAN STATES INSURANCE COMPANY, an Indiana corporation; NAVIGATORS INSURANCE COMPANY, a New York corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, a Pennsylvania corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation; WESTFIELD INSURANCE COMPANY, an Ohio corporation; AMERICAN HALLMARK INSURANCE COMPANY OF TEXAS, a Texas corporation; SOUTHERN INSURANCE COMPANY, a Texas corporation; NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation; WEST AMERICAN INSURANCE COMPANY, an Indiana corporation; STARR SURPLUS LINES INSURANCE COMPANY, a Texas corporation; ENDURANCE AMERICAN INSURANCE COMPANY, a Delaware corporation; OLD REPUBLIC INSURANCE COMPANY, a Pennsylvania corporation; KNIGHT SPECIALTY INSURANCE COMPANY, a Delaware corporation,

Defendants.

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**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANTS THE CINCINNATI INSURANCE COMPANY AND THE CINCINNATI CASUALTY COMPANY (ECF No. 242)**

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IT IS HEREBY STIPULATED by and between Plaintiffs Pulte Homes of New Mexico, Inc. and Pulte Development New Mexico, Inc. ("Plaintiffs") and Defendants The Cincinnati Insurance Company and The Cincinnati Casualty Company, by and through their respective attorneys of record, that Plaintiffs' claims against Defendants The Cincinnati Insurance

Company and The Cincinnati Casualty Company, as asserted in Plaintiffs' First Amended Complaint (ECF No. 242) shall be dismissed with prejudice pursuant to FRCP 41(a)(1). Each party shall bear their own attorneys' fees and costs.

Dated: October 13, 2023

Dated: October 18, 2023

PAYNE & FEARS LLP

EVANS & CO.

By: /s/ Sarah J. Odia  
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By: /s/ Robert C. Evans  
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Attorneys for Defendants The Cincinnati  
Insurance Company and The Cincinnati  
Casualty Company

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19<sup>th</sup> day of October, 2023, a true and correct copy of  
**STIPULATION TO DISMISS PLAINTIFFS' CLAIMS AGAINST DEFENDANTS THE  
CINCINNATI INSURANCE COMPANY AND THE CINCINNATI CASUALTY  
COMPANY (ECF No. 242)** was served via the United States District Court CM/ECF system on  
all parties or persons requiring notice.

By /s/ Jennifer Stephens  
Jennifer R. Stephens, an Employee of  
PAYNE & FEARS LLP

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